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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,618	10/12/2000	Yoshiaki Inoue	Q58056	5489

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Washington, DC 20037-3213

EXAMINER

STEPHANY, TIMOTHY J

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/686,618

Applicant(s)

INOUE, YOSHIAKI

Examiner

Timothy J. Stephany

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 / 10-12-00</u> | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 1, line 27: typographical error, "printing press do no agree" should read "printing press do not agree".

Appropriate correction is required.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **110C** is mentioned on page 23, line 26 and **110K** on page 23, line 27, but do not appear in Figure 8. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-5, 7-13 are rejected** under 35 U.S.C. 102(e) as being anticipated by Fujisawa ('932).

Regarding **claims 1 and 9**, Fujisawa discloses an apparatus (and method) of a plurality of tone curves (gradation conversion curves) that previously exist (prepared) (col. 19, lines 3-6), wherein the difference (stepwise difference) is implied by the selection made by the user (col. 19, lines 6-8) via a terminal (display means). This is also done for any of the separations of YMC or K (col. 19, lines 33-35), which reads on the selecting means of selecting one of said gradation conversion curves for one color element, and that this is supplied with image data such that this tone curve is applied and output (col. 19, lines 37-42 and 1 in Figure 4).

Regarding **claim 8**, Fujisawa has already been shown to disclose a terminal (display means) in the claim 1 rejection.

Regarding **claim 2 and 10**, Fujisawa discloses that the tone curves (gradation conversion curves) are stored in a memory (col. 19, lines 4-5 and 41 in Figure 4).

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Regarding **claim 3, 7 and 11**, Fujisawa discloses that the different tone curves (gradation conversion curves) are previously set (generated) (col. 19, lines 2-3) which satisfies the generation requirement of claim 3 and the correcting or generating requirement of claim 7.

Regarding **claim 4 and 12**, Fujisawa discloses that the tone curves (gradation conversion curves) apply changes that correspond to exposure density (exposure levels) (col. 19, lines 2-3) and that this is used for producing printing plates (col. 20, lines 13-14).

Regarding **claims 5 and 13**, the means of accomplishing the method or apparatus is inherent to it. If a small number of potential embodiments come to them mind of one skilled in the art such that that person would have at once envisaged that which is claimed, being that of using a title to designate the different exposure levels which itself offers no inventive novelty over the prior art reference, then the reference anticipates the claim, and thus is rejected under the same justification as claim 4.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**Claims 6 and 14 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fujisawa ('932) in view of Lee ('028).

Fujisawa discloses the apparatus and method in the 35 USC 102 rejection above. Fujisawa does not disclose expressly that the variability in the exposure curves occurs in any of the highlight, middle-tone or shadow areas.

Lee discloses that the exposure curves can vary in the midtone region (Figure 4 and Figure 6) and in the shadow region (Figure 7).

Fujisawa & Lee are combinable because they are from the same field of endeavor and thus constitute analogous art, being that of processes of film exposure.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply a variable condition in the shadow, midtone or highlight regions of an exposure curve for application in a plate printing exposure process.

The suggestion/motivation for doing so would have been that the processes that apply to any film exposure are easily and at once adapted to any other application that employs an exposure process.

Therefore, it would have been obvious to combine Fujisawa with Lee to obtain the invention as specified in claims 6 and 14.

#### ***Additional Notes***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Watson ('959) refers to using a plurality of different exposure curves; Numakura ('323) and Sharman (US 2003/0038957) use a plurality of tone curves; Gilman ('624), De Keyzer ('174) and Dickerson ('844) use a plurality of D log E curves that vary in the different density regions.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Stephany whose telephone number is 703-305-8951. The examiner can normally be reached on 8:30 am - 4:30 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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